

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov



STATE OF WISCONSIN

BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR

AN ADMINISTRATIVE INJUNCTION

FINAL DECISION AND ORDER

INVOLVING

LS9901132RAL

PHUONG THI NGUYEN,

RESPONDENT.

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 11th day of March, 1999.

Marlene A. Cummings, Secretary

STATE OF WISCONSIN

BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

-
:
:

IN THE MATTER OF A PETITION

FOR AN ADMINISTRATIVE
INJUNCTION INVOLVING

PROPOSED DECISION AND ORDER

Case No. LS-9901132-RAL

PHUONG THI NGUYEN

RESPONDENT

:
-
-

PARTIES

The parties to this action under section 227.44 of the Wisconsin Statutes and chapter RL 3 of the Wisconsin Administrative Code, and for purposes of review under §227.53, Wis. Stats., are:

Complainant: Division of Enforcement

Department of Regulation and Licensing
1400 East Washington Avenue
Madison, WI 53703

Respondent: Phuong Thi Nguyen

2417 Pebble Valley Road, #37
Waukesha, WI 53188

also c/o Star Nails
161 Bank Street
Waukesha, WI 53188

PROCEDURAL HISTORY

On January 13, 1999, the Division of Enforcement, by its attorney Steven M. Gloe, filed a petition for an administrative injunction. A hearing on the petition was scheduled for February 23, 1999. A copy of the petition and a notice of hearing were sent to Ms. Nguyen on January 13, 1999, by first-class and certified mail to her last known address.

The hearing on the petition was held as scheduled. Mr. Gloe appeared on behalf of the Department of Regulation and Licensing. Ms. Nguyen filed an answer to the petition, but did not appear.

Based on the entire record of this case, this is the proposed decision and order of the undersigned administrative law judge.

FINDINGS OF FACT

1. Phuong Thi Nguyen does not hold a license to practice as a manicurist in the State of Wisconsin.
2. On February 4, 1998, Ms. Nguyen was engaged in the practice of manicuring at Star Nails, a manicuring establishment located at 161 Banks Street, Waukesha, Wisconsin.
3. On January 13, 1999, the Department of Regulation and Licensing (Department) sent a Petition For Injunction by first-class and registered mail to Phuong Thi Nguyen at her last known address. Ms. Nguyen filed an answer to the Petition.

CONCLUSIONS OF LAW

1. Phuong Thi Nguyen engaged in the practice of manicuring in Wisconsin without the required credential contrary to §454.04 (1) (d), Wis. Stats.

ORDER

THE DEPARTMENT OF REGULATION AND LICENSING HEREBY ISSUES THE FOLLOWING SPECIAL ORDER:

Effective on the date on which this order is signed by the Department Secretary or her designee,

- the respondent, Phuong Thi Nguyen, is **enjoined and prohibited** from engaging, directly or indirectly, in manicuring, which is conduct requiring a credential under Chapter 454, Wis. Stats., unless and until he obtains the appropriate credential under Chapter 454, Wis. Stats.; and

ANY VIOLATION OF THIS SPECIAL ORDER MAY RESULT IN A FORFEITURE OF UP TO \$10,000 FOR EACH OFFENSE, WITH EACH DAY OF CONTINUED VIOLATION CONSTITUTING A SEPARATE OFFENSE.

OPINION

On February 4, 1998, Ms. Nguyen was employed at Star Nails in Waukesha, Wisconsin, to provide manicuring services to the public. She was observed on that same date manicuring a customer's nails at Star Nails. Ms. Nguyen was not licensed in Wisconsin as a manicurist at the time she was observed, nor is she presently licensed.

The Department subsequently served a Petition For Injunction on Ms. Nguyen both by first-class and registered mail on January 13, 1999. Ms. Nguyen failed to appear at her scheduled hearing, though she did file an answer with the Department.

It is undisputed that Ms. Nguyen engaged in the practice of manicuring without the professional credential required by statute. Section 440.21, Wis. Stats., authorizes the Department to seek a special order enjoining anyone from practicing without a professional credential. Such an order is clearly appropriate here.

Any person who violates a special order issued under section 440.21(2), Stats., may be required to forfeit up to \$10,000 for each offense, under section 440.21(4), Stats., and each day of continued violation constitutes a separate offense.

Dated at Madison, Wisconsin, this 24th day of February, 1999.

STATE OF WISCONSIN

DEPARTMENT OF REGULATION & LICENSING

1400 East Washington Avenue

Madison, Wisconsin 53703

Jacquelynn B. Rothstein

Administrative Law Judge

